IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.767 OF 2007

Mr.Afsar Badshah Khan ..Appellant
(Orig. Plaintiff)

Versus

Municipal Corporation of
Greater Bombay .. Respondent
(Orig. Defendant)

Shri H.S. Anand for the Appellant
Shri R.A. Malandkar for the Respondent/BMC

CORAM : S.R. SATHE,J.
DATED : 15/10/2007

P.C. :-

Heard both the learned Advocates.

Perused the papers.

As per the earlier direction, Appellant has produced the letter issued by the concerned rationing officer. From the perusal of the same prima facie it appears that Plaintiff is in occupation of the suit premises prior to 01/01/1995. He has also produced certain other documents to show his occupation in the suit premises. Admittedly, suit premises are in existence for last several years. Notice under section-351 of BMC is issued by the BMC.

So, under the circumstances, it is desirable to direct the Trial Court to dispose of the suit expeditiously and till then not to demolish the suit structure. Hence, appeal is allowed. The order passed by the Trial Court is set aside.

Both the parties are directed to maintain statusquo in respect of the suit property as of today.

Trial Court is directed to dispose of the suit according to law on merits as expeditiously as possible and in any event by the end of February-2008.

The Trial Court should not get influenced by the observations made in this order and decide the suit independently on its own merits.

A.O. disposed of accordingly.

(S.R.SATHE,J.)